

Waste Compliance and Mitigation Program Staff Report
Solid Waste Facilities Permit Revision for the Camp Roberts Landfill
SWIS No. 40-AA-0002
May 26, 2010

Background Information, Analysis, and Findings:

This report was developed to request the Department of Resources Recycling and Recovery (CalRecycle) concurrence on the issuance of a proposed solid waste facilities permit revision for the Camp Roberts Landfill, SWIS No. 40-AA-0002, located in San Luis Obispo County. The facility is owned by U.S. Department of the Army and operated by the California Army National Guard. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

CalRecycle staff acting as the Enforcement Agency for San Luis Obispo County prepared a proposed permit on April 20, 2010. Action is requested to be taken on this permit no later than May 31, 2010, to comply with Notice and Order #EA2009-01 unless a compliance extension is granted. The enforcement order was issued to address an explosive gas violation by the expansion of the facility boundary and included timelines for obtaining a permit revision. Notwithstanding the Notice and Order, pursuant to Public Resources Code 44009 action must be taken 60 days from receipt of the proposed permit, which is June 19, 2010.

The facility consists of two units, a North Unit and a South Unit. Only the South Unit will operate in the future and will consist of two cells, one for general municipal solid waste (MSW) and one for special waste. Most of the future tonnage to be accepted will consist of material resulting from the demolition of World War II era buildings from Camp Roberts and the nearby Camp San Luis Obispo. This is considered "special waste" because of the levels of lead paint, contaminated soil, and friable asbestos contained in and around those buildings. The Central Coast Regional Water Quality Control Board (RWQCB) has approved of this disposal.

Proposed Changes

The North Unit has ceased accepting waste, and closure activities will begin after final approval of the closure plan by the RWQCB. The following changes to the permit are being proposed:

<u>Current Permit</u> <u>(1998 SWFP)</u>		<u>Proposed Permit</u>	
	North & South Units	MSW Cell	Special Waste Cell
Days and Hours of Operation	Mon – Fri 2 pm – 4 pm	24 hours/7 days/week	
Permitted tons per day	43 tons per day	43 tons per day	575 tons per day
Waste Types	MSW	MSW	Construction/demolition materials including concrete, petroleum contaminated soil, and treated wood waste from Camp Roberts and Camp San Luis Obispo
Design Capacity	363,041 Cubic Yards	903,961 Cubic Yards	
Permitted Traffic	10 Vehicles per Day	146 Vehicles per Day	

Permitted Area	14.3 acres	85.4 acres
Disposal Area	14.3 acres	17.6 acres
Estimated Closure Year	2015	2045
Peak Elevation	N. Unit (closing)805' MSL S. Unit 783' MSL	850' MSL

Findings:

Staff recommends concurrence with the issuance of the proposed revised permit. All of the required submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that California Environmental Quality Act requirements have been met to support concurrence. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the Waste Compliance and Mitigation Program.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	Acting as EA, Permitting & Local Enforcement Agency Support (PLEAS) staff has found the RFI complete and correct.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	Acting as EA, PLEAS staff completed a Five Year Permit Review Report on December 3, 2009, documenting significant change.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Acting as EA, PLEAS staff prepared a proposed solid waste facilities permit on April 20, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Countywide Siting Element as described in their memo dated March 24, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans consistency with State Minimum Standards	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Preliminary Closure/ Postclosure Maintenance Plans for the South unit consistent with State Minimum Standards as described in their letter to the operator dated April 8, 2010. The Partial Final Closure Plan for the North Unit was approved by WCMP staff on February 24, 2010. Final approval from the RWQCB is expected in the near future.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6)(A) Financial Assurances Documentation compliance	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Financial Assurances Documentation in compliance as described in their memo dated March 16, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6)(B) Operating Liability compliance	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Operating Liability in compliance as described in their memo dated March 16, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21685(b)(7) Operations Consistent with State Minimum Standards	Acting as EA, staff in the Compliance, Evaluations, and Enforcement Division found that the facility was in compliance with all operating and design requirements during an inspection conducted on April 13, 2010 with the exception of an on going violation for exceeding the lower explosive limit for landfill gas at a compliance probe installed in compliance with the Landfill Gas Monitoring requirements. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA finding	Acting as EA, staff finds the proposed permit consistent with and supported by the existing NEPA/CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	The required informational meeting was conducted by WCMP staff on April 13, 2010, at 6:30 pm in San Miguel. No members of the public attended. No written comments were received by WCMP staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	CalRecycle is a responsible agency under CEQA with respect to this project. WCMP staff has determined that the CEQA record can be used to support the Director's action on the proposed revised permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility is inspected monthly by WCMP staff. The facility's most recent monthly inspection by WCMP staff in the Compliance, Evaluation, and Enforcement Division occurred on April 13, 2010. Gas monitoring has resulted in repeated detection of gas levels in gas well SVP-18 of 20% methane by volume in air, in violation of Title 27, Section 20921. This has been noted as a violation since December 2008, and an enforcement order was issued on June 12, 2009, upon the facility's inclusion on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards. Gas well SVP-18 is located at or near the waste footprint. Since the initial detection of gas, the operator installed another compliance well at the proposed boundary in consultation with and approval of the Cleanup, Closure, and Financial Assurances staff, which will become the compliance point of record when the permit is concurred in. Monitoring of the new well SVP-23 to date has not revealed any migration of methane. CalRecycle may find a facility consistent with the gas control standards when acting on a permit if the following are found to be in place pursuant to Title 27 Section 21685(d) when the following findings are determined:

1. The operator has delivered all notices to the EA and owner as required pursuant to Sections 20919, 20919.5 and 20937. *Status: CalRecycle, as EA, has received the applicable notices.*
2. The EA shall have forwarded to CIWMB all notifications received. *Status: CalRecycle, as EA, has received the applicable notices.*

3. Landfill gas monitoring has been and is being conducted at least monthly. *Status: CalRecycle, as EA, has conducted monthly monitoring since December 2008, when elevated concentrations of methane were detected in one of the newly installed gas monitoring wells.*
4. The EA has determined that landfill decomposition gas generated by the facility does not constitute an imminent and substantial threat to public health and safety or the environment. *Status: CalRecycle, as EA, made the required finding as part of the approval of the May 8, 2009, Additional Perimeter Gas Monitoring Probe Installation submittal and as part of the June 11, 2009 Notice and Order.*
5. The EA has determined that to come into compliance it will take the operator longer than 90 days due to the time it takes to plan and implement appropriate corrective measures. *Status: CalRecycle, as EA, made the required determination as part of the June 11, 2009, Notice and Order.*
6. The facility is operating under an enforcement order issued to the operator that meets all the requirements. *Status: CalRecycle, as EA, issued a Notice and Order to the operator on June 11, 2009.*
7. The EA has reviewed and approved and the CIWMB has reviewed all investigation reports or results, proposed work plans, or proposed gas mitigation measures. *Status: CalRecycle, as EA, received, reviewed and approved the remediation plan submitted by the operator in May 2009.*
8. The operator is in compliance with the approved gas mitigation measures or work plans approved by the EA and specified in the enforcement order. *Status: The operator is in compliance with the remediation plan and there has been no need to enforce the notice and order requirements through the implementation of penalties.*
9. For facilities that propose a facility property boundary expansion, a footprint expansion, or any other increase in facility capacity as part of the permit application, investigations or analyses respecting landfill decomposition gases at the facility must have been conducted by the operator prior to the submittal of the permit application to the EA. *Status: Air and water impacts were assessed in the Environmental Assessment/CEQA document and in the Joint Technical Document (Appendix I). Due to the age, quantity and type of waste, new gas generation from the South Cell should not exacerbate the complexity or magnitude of gas migration impacts. The Environmental Assessment was circulated to the Central Coast Regional Water Quality Control Board for review, and no groundwater impacts from landfill gas were identified.*

Environmental Analysis:

State law requires compliance with the CEQA either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program, or by determining that the proposal is categorically or statutorily exempt. Because this is a federal facility, compliance with the National Environmental Policy Act (NEPA) is also required.

The California Army National Guard, acting as Lead Agency, has prepared an Environmental Assessment (EA) to comply with the NEPA, in addition to addressing and processing the document as a Negative Declaration (ND) to comply with CEQA. The environmental document, State Clearinghouse No. 2009104002, was circulated for a 30-day review period from October 8, 2009 through November 9, 2009. The Environmental Assessment/Negative Declaration was approved by the California Army National Guard on April 13, 2010.

CalRecycle staff has determined that the CEQA analysis described above is adequate, and no additional CEQA documentation is required for the proposed revision to the current permit.

Staff recommends that CalRecycle, acting as a Responsible Agency under CEQA, utilize the environmental documentation prepared by the California Army National Guard, because existing documentation will suffice and there are no grounds under CEQA for CalRecycle to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the Permit.

CalRecycle staff recommends that the above referenced CEQA documentation be utilized for the Director's environmental evaluation of the proposed project for those activities which are within the Director's expertise and/or powers, or which are required to be carried out or approved by the Director.

Local Issues:

The CEQA record indicates no offsite cumulative environmental impacts. The project document availability, hearings, and associated meetings were extensively noticed consistent with the CEQA and Solid Waste Facilities Permit requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 100). Census information indicates that the surrounding population is approximately 74.5% white, 1.1% black or African American, 1.7% American Indian and/or Alaska Native, 0.5% identified as Asian, 15.7% "some other race", and 6.5 % are two or more races. Of the total population, 23% described themselves as Hispanic or Latino. In the Census Tract, 9.1% of the families were below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

No public comments have been received by CalRecycle staff. No members of the public attended the informational meeting held on April 13, 2010, from 6:30 p.m. to 7:30 p.m. at Lillian Larson Elementary School in San Miguel.

CalRecycle Staff Actions:

Staff worked with the California Army National Guard and their agents on all aspects of document and application preparations and submittals, including compliance with the landfill gas monitoring controls. Staff reviewed all documents submitted to support the proposed permit, conducted the public informational meeting, drafted the proposed permit and prepared the staff report for the monthly Waste Compliance & Mitigation Program Public Meeting.